

**Notice of Allowability**

Application No.

09/977,126

Examiner

Suresh K. Suryawanshi

Applicant(s)

MILLWARD ET AL.

Art Unit

2115

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reconsideration filed on 1/12/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas S. Auchterlonie (Reg. No. 37,275) on 11/02/06.

2. The application has been amended as follows:

In the Claim: claims 15-20 amended as follows:

15. A machine-readable medium or media having recorded thereon ~~data configured to instruct a computing apparatus having a central processing unit and associated memory~~ instructions that, when read by a machine, cause the same to:

store a representation of at least one base tunable having inheritable properties in the memory of the computing apparatus; and

store, in the memory of the computing apparatus, a plurality of representations of instances of at least one of the stored base tunable, each said instance including at least one inheritable property of the said stored base tunable, wherein representations of at least a first said instance are stored at different addresses in the memory, said first instance and said second

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instance comprise structures including a plurality of values, and said first instance and said second instance differ in at least one corresponding said value.

16. A machine-readable medium or media in accordance with Claim 15 wherein to store a plurality of representations of instances of at least one of the stored base tunable, said medium or media has recorded thereon instructions ~~configured to instruct the computing apparatus that, when read by the machine, cause the same to:~~

from a first said kernel subsystem, call an instance creation function to store a first instance data structure in the memory of the computing apparatus corresponding to a first instance of one said base tunables and including at least one said inheritable property; and

from a second, different kernel subsystem, call said instance creation function to store a second instance data structure in the memory of the computing apparatus corresponding to a second instance of said one of said base tunables and including at least one said inheritable property.

17. A ~~machine-readable~~ machine-readable medium or media in accordance with Claim 16 and further having recorded thereon ~~data configured to~~ instructions that, when read by the machine, cause the same to deallocate at least one of the first instance of the base tunable and the second instance of the base tunable.

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18. A ~~machine-readable~~ machine-readable medium in accordance with Claim 16 further having recorded thereon ~~data configured to instruct the computing apparatus~~ instructions that, when read by the machine, cause the same to determine when an inheritable property in a base tunable data structure is changed, and to propagate the changed inheritable property to both the first instance data structure and the second instance data structure upon said determination.

19. A ~~machine-readable~~ machine-readable medium or media in accordance with Claim 16 and further having recorded thereon ~~data configured to instruct the computing apparatus~~ instructions that, when read by the machine, cause the same to instruct the computing apparatus to determine when an inheritable property in a base tunable data structure is changed, to determine, for each instance variable of the base tunable, whether the instance variable is to inherit the changed inheritable property from the base tunable, and to propagate the changed inheritable property to each instance data structure corresponding to an instance variable determined to inherit the changed inheritable property.

20. A ~~machine-readable~~ machine-readable medium or media in accordance with Claim 19 further having recorded thereon ~~data configured to instruct the computing apparatus~~ instructions that, when read by the machine, cause the same to deallocate at least one of the first instance of the base tunable and the second instance of the base tunable, and to perform said determination and propagation only for instance variables that have not been deallocated.

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*Conclusion*

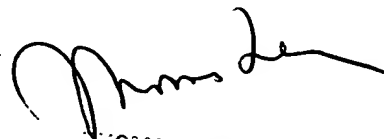
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sks

November 6, 2006



571-272-3668  
Suresh K. Suryawanshi  
Examiner